IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA : CRIMINAL NO. 1:CR-00-278-01

:

CURTIS MCKEITHAN

V.

MEMORANDUM

On January 12, 2009, Defendant Curtis McKeithan filed a *pro se* motion for a sentence reduction pursuant to 18 U.S.C. § 3582(c)(2). On August 31, 2009, this court amended his offense level which had no effect on his sentence. The sentence, therefore, was not reduced. On September 14, 2009, Defendant filed a motion for reconsideration, contending that the court, when considering whether to grant the 3582(c)(2) reduction, should have also considered applying 18 U.S.C. § 3552(a) considerations.

In *United States v. Mateo*, 560 F.3d 152, 156 (3d Cir. 2009), the court held that the district court's authority under § 3582(c)(2) and U.S.S.G. § 1B1.10(B)(1) is limited to applying "only the effect of the crack cocaine amendments." Thus, the August 13, 2009 order was proper. An appropriate order will be issued.

s/Sylvia H. Rambo
United States District Judge

Dated: September 30, 2009.

IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA : CRIMINAL NO. 1:CR-00-278-01

:

CURTIS MCKEITHAN

v.

ORDER

In accordance with the accompanying memorandum, **IT IS HEREBY ORDERED THAT** the motion for reconsideration is **DENIED**.

s/Sylvia H. Rambo
United States District Judge

Dated: September 29, 2009.